

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JAMES LAUTERBACH, *et al*,

Plaintiffs,

VS.

TOTAL SCREEN SOLUTIONS, INC., *et al*,

Defendants.


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CIVIL ACTION NO. 2:13-CV-242

**ORDER**

Before the Court is Defendant Gary Mills' Motion for Summary Judgment (D.E. 51) seeking dismissal because he is not an "employer" under the Fair Labor Standards Act (FLSA). Plaintiffs filed their response, asking that the motion be denied pursuant to Fed. R. Civ. P. 56(d), which permits the Court to issue any appropriate order, including a denial of the motion, to permit a respondent time to conduct necessary discovery. The Court DENIES the motion (D.E. 51) without prejudice to allow Plaintiffs to conduct discovery regarding the issues presented in the motion.

ORDERED this 26th day of June, 2014.

  
NEEVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE